OPINION

The Petitioner, The Price Company, has filed a Petition for Reclassification of its property known as 9919 Pulaski Highway located in the Fifteenth Election District of Baltimore County, Maryland. The Petitioner appeared, represented by Robert A. Hoffman, Esquire, and offered testimony in support of the reclassification request. There was no opposition offered at the hearing on November 1, 1991, and People's Counsel for Baltimore County did not participate in the proceedings, although they directed correspondence to this Board dated September 10, 1991 indicating to the Board that People's Counsel was not in opposition to this request.

The Petitioner presented the testimony of Al Meloro, a representative from Pep Boys; Anthony J. Haley, Acting Director, Economic Development Commission for Baltimore County; Glen Cook, a traffic consultant; and William F. Kirwin, a landscape architect and land planner. The Documented Site Plan and architectural drawings were entered into evidence. Petitioner is requesting that the subject property be reclassified from M.L.-C.S.-1 and M.L.-I.M.

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an __ML-CS-1_and_____ zone to an BR-CS-1_and_BR-IM__ zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property,

retail sales of automotive parts and service garage and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

Legal Owner(s): Lessee Contract Rwxkask&X The Price Company Joe Cirelli, V.P. of Real Estate (Type or Print Name) and Construction Signature Pep Boys, Manny Nevel DeHart, V.P. 3111 W. Allegheny (Type on Print Name) Philadelphia, PA 19132 Attorney for Petitioner. 2657 Ariane Drive John B. Howard (Type or Print Name) San Diego, CA (619)581-4600 City and State 92117 Name, address and phone number of legal owner, con-_Venable, Baetjer and Howard ---tract purchaser or representative to be contacted Address 210 Allegheny Avenue John B. Howard Towson, Maryland 21204 210 Allegheny Avenue 823-4111 City and State

Towson, Maryland 21204

Case No. CR-91-364 The Price Company

to B.R.-C.S.-1 and B.R.-I.M. The Documented Site Plan shows that Petitioner proposes to erect a 23,000 square foot building consisting of ten service bays for service and maintenance of automobiles and retail sales. The location of the building will be in the southwest corner of The Price Club Plaza which presently consists of The Price Club, a retail establishment, and the Home Depot U.S.A. and Sports Authority, also retail sales outlets. The evidence established that public utilities are in place and that the roads are adequate to service the Plaza complex. The Board was informed by Mr. Meloro that in his opinion the proposed zoning change and use of the building for servicing of vehicles and sale of automotive parts would be in keeping and compatible with the other surrounding uses within the Plaza. Mr. Meloro testified that in his opinion the present industrial classification for the property was in error.

Mr. Anthony Haley, Acting Director of Baltimore County's Economic Development Commission, also testified in support of the zoning reclassification and informed the Board that in his opinion it makes good sense to change the zoning and that his office is in favor of the requested change.

Mr. William F. Kirwin, an expert landscape architect who has previously appeared before this Board, testified that the present industrial classification of the property is in error and provided the Board with his reasons why the property was erroneously zoned. He enumerated the factors that must be considered by this Board as

FROM THE OFFICE OF

GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC

ENGINEERS

PO BOX 6828, TOWSON, MARYLAND 21204

AREA 1

Beginning for the same at a point on the southeastern side of

coordinate values of North 22090.35 and East 47335.11 and being at the

"PRICE CLUB PLAZA, Northeast Baltimore" dated July 20, 1990, recorded

among the Plat Records of Baltimore County, Maryland in Plat Book S.M.

62 folio 129, said point of beginning being measured South 37 degrees

intersection of said Pulaski Highway and Mohrs Lane, 60.00 foot wide

outline of said Plat, 1) North 40 degrees 55 minutes 54 seconds East

1 zones shown on the 1988 Comprehensive Zoning Map, adopted by the

line, 2) South 69 degrees 01 minutes 38 seconds East 239.38 feet to

South 40 degrees 55 minutes 54 seconds West 564.75 feet to intersect

said Plat outline, running thence binding on said plat outline. 4)

NOTE: This description prepared for Zoning Purposes Only and not

Containing 2.900 acres of land more or less.

intended to be used for conveyances or agreements.

558.22 feet to intersect the zoning line between the ML-CS-1 and BR-CS-

County Council, October 13, 1988, running thence binding on said zoning_

intersect the zoning line between the ML-CS-1 and ML-IM zones shown on

said Map, running thence binding on said last mentioned zoning line, 3)

North 67 degrees 32 minutes 37 seconds West 237.23 feet to the point of

shown on said Plat, running thence leaving said point of beginning.

binding on the southeastern side of said Pulaski Highway and the

Pulaski Highway - U.S. Route 40, 150 foot Right-of-Way, said point

westernmost corner of that parcel of land shown on a Plat entitled

24 minutes 23 seconds West 1219.73 feet from the centerline

being designated 1, having Baltimore County Metropolitan District

(ZONE ML-CS-1 to ZONE BR-CS-1)

Description for Zoning Reclassification

containing 2.900 acres of land more or less.

Case No. CR-91-364 The Price Company

Exhibit No. 6).

Baltimore County

set out in Section 2-58.1(j) of the Baltimore County Code. In

giving his reasons, he specifically directed the Board to those

provisions of the Code, and stated that in his opinion the property

should be reclassified. Additionally, Mr. Kirwin stated that he

concurred with the recommendation of the Office of Planning &

Zoning who likewise recommends that Petitioner's request for

reclassification be approved. The reasons given by the Office of

Planning & Zoning are contained in their report (see Petitioner's

testimony presented that the subject property is erroneously zoned

and that the reclassification request should be granted. The

Board's granting of this request is founded upon the testimony

given, particularly that of Mr. Kirwin, and the report of the

Office of Planning & Zoning which recommends the reclassification.

In granting this reclassification, the Board agrees with the

recommendation of the Office of Planning & Zoning wherein they

conclude that there "will not be any significant adverse impact on

ORDER

day of Movember, 1991 by the County Board of Appeals of

1 and M.L.-I.M. to B.R.-C.S.-1 and B.R.-I.M as shown on the

FOR THE REASONS SET OUT ABOVE, IT IS THEREFORE this 20th

ORDERED that the Petition for Reclassification from M.L.-C.S.-

the surrounding properties in the general neighborhood."

It is clear to this Board based upon the evidence and

AREA 2 (ZONE ML-IM to ZONE BR-IM)

Description for Zoning Reclassification

containing 0.652 acres of land more or less.

Beginning for the same at a point on the southwestern outline of that parcel of land shown on a Plat entitled "PRICE CLUB PLAZA, Northeast Baltimore" dated July 20, 1990, recorded among the Plat Records of Baltimore County, Maryland in Plat Book S.M. 62 folio 129, said point of beginning being measured South 67 degrees 32 minutes 37 seconds East 237.23 feet from the point designated 1, having Baltimore County Metropolitan District coordinate values of North 22090.35 and East 47335.11 at the westernmost corner of said Plat, said point of beginning also being measured South 26 degrees 12 minutes 57 seconds west 1180.99 feet from the centerline intersection of Pulaski Highway -U.S. Route 40, 150 foot Right-of-Way and Mohrs Lane, 60.00 foot wide shown on said Plat, running thence leaving said point of beginning, binding on the zoning line between the ML-CS-1 and ML-IM zones shown on the 1988 Comprehensive Zoning Map, adopted by the County Council, October 13, 1988, 1) North 40 degrees 55 minutes 54 seconds East 434.76 feet, running thence leaving said zoning line, 2) South 22 degrees 27 minutes 23 seconds West 412.36 feet to intersect said Plat outline, running thence binding on said plat outline, 3) North 67 degrees 32 minutes 37 seconds West 137.77 feet to the point of beginning. Containing 0.652 acres of land more or less.

NOTE: This description prepared for Zoning Purposes Only and not intended to be used for conveyances or agreements.

FROM THE OFFICE OF GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC. ENGINEERS P.O. BOX 0528, TOWSON, MARYLAND 21204

February 16, 1991

Case No. CR-91-364 The Price Company

NOTICE OF HEARING

ng Reclassification
le Number: CR-81-384
§ Pulaski Highway,
reximately 660'

ontract Lessee: Pep Boys, Manny, Moe & Jack

Property Description

Beginning for the same at a

Beginning for the same at point on the southeastern side of pulaski Highway - U.S. Route 40, 150 foot Right-of-Way, said point being designated 1, having Salimore County Metropolitan District coordinates values of North 22090 35 and East 47335.11 and being at the westernmost converse.

being at the westermost common of that parcel of land shown on a Plat entitled "PRICE CLUB PLAZA, Northeast Baltimose" dated July 20, 1991 recorded among the Plat Records of Beltimore County, Manyland in Plat Book S.M. 62 tolto 128, said point of participations of the participation of the point of the participation of the

of beginning being measures South 37 degrees 24 minutes 23 seconds East 1219.73 feet from

e centerline intersection of seld ulaski Highway and Mohra ane, 60.00 foot wide shown on

ed Plat, running thence leaver

Said Point of beginning, binding on the southeastern side of said Pulasti Highway and the outline of said Plat.

(3) North 40 dagress 55 minutes 54 seconds East 558.22

minutes 54 seconds East 568-22 feet to intersect the zoning line between the ML-CS-1 and BR-CS-1 zones shown on the 1988 Comprehensive Zoning, Map, adopted by the County Council, October 13, 1988, running thence binding on seid zonding line, (2) South 69 degrees 01 minutes 38 seconds East 239-36 feet to intersect the zoning line between the ML-CS-1 and ML-M zones shown on said Map, running thence binding on seid last

9 Pulaski **Highwa** Flection **District** Councilmanic

Gal Owner(s):

The Price Company

Documented Site Plan entered as Petitioner's Exhibit No. 1 be and is hereby GRANTED subject to the following restriction:

1. A landscape plan shall be submitted to the Baltimore County Landscape Planner. The plan should then be forwarded to the Deputy Director of the Office of Planning & Zoning prior to the issuance of any building permits. Subsequent to the approval of the Deputy Director, the Petitioner shall provide a copy of the approved landscape plan to the Zoning Office to ensure that it becomes a part of the official file.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

> > Sauer, Acting Chairman

C. William Clark

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md. _successive weeks, the first publication appearing

> NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

February 16, 1991

Attorney's Telephone No.: 823-4111

beginning.

NOTICE OF NEARING

Taking Reclassification
Case Number: 070-01-364
SE/S Putesti Highway,
approximately 660'
SW of c/t Mohrs Lane
9019 Putesti Highway
15th Election District
6th Councilmanic
Legal Owner(s):
The Price Company
Contract Lessee:
Pep Boys, Manny, Moe & Jack Property Description Area 1

Beginning for the same at a point on the southeastern side of Pulasti Highway - U.S. Route 40, 150 foot Right-of-Way, said point being designated 1, having Baltimore County Metropolitan District coordinates values of North 22000.35 and East 47335.11 and being at the westernmost corner of that percel of land shown on a Plat entitled "PRICE CLUB PLAZA, Northeast Baltimore" dated July 20, 1991 recorded among the Plat Records of Baltimore County, Maryland in Plat Book S.M. 62 folio 129, said point of beginning being measures of beginning being measures South 37 degrees 24 minutes 23 seconds East 1219.73 feet from the centerline intersection of said Pulsati: Highway and Mohrs Lane, 80.00 foot wide shown on Said Plat, running thence leaving said point of beginning, binding on the southeastern side of said Pulsati: Highway and the outline of said Plat. Pulsati Highway and the outline of said Plat,

(1) North 40 degrees 55 minutes 54 seconds East 558.22 lest to intersect the zoning line between the ML-CS-1 and BR-CS-1 zones shown on the 1988 Comprehensive Zoning Map, adopted by the County Council, October 13, 1988, running thence binding on said zonding line,

(2) South 89 degrees 01 minutes 36 seconds East 239.38 feet to intersect the zoning line between the ML-CS-1 and ML-IM zones shown on said Map, running thence binding on said last mentioned zoning line,

(3) South 40 degrees 55 minutes 54 seconds West 564.75 feet to intersect said Plat outline, running thence binding on said plat outline.

44) North 67 degrees 32

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive

THE JEFFERSONIAN,

Zoning Commisioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Baltimore County

County Office Bailding

111 West Chesopeake Avenue

Zoning Commissioner

6 () () + + + () () - + + ()

Please Make Checks Payable To. Baltimore County

Account: R-001-6150 Number

Account 8 001-6150

Number Cate & & &

Case #CL-91-364 receipt

Please Make Checks Payable To: Baltimore County

111 West Chesapeake Avenue

Towson, MD 21204

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

October 15, 1991

887-3353

John B. Howard, Esquire Venable, Baetjer and Howard 210 Allegheny Avenue Towson, MD 21204

Item No. 6 Case No. R91-364 Petitioner: The Price Company Reclassification Petition

Dear Mr. Howard:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October-April reclassification cycle (Cycle V). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before October 30, 1991. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

John B. Howard

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3391 or the commenting agency.

Baltimore County Government Office of Zoning Administration and Development Management

Office of Planning & Zoning

TOBER 25, 1991

This is to advise you that \$ 966.29 is due for advertising and posting of the above property. This

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONLING

Please make your check payable to "Baltimore County, Maryland" and immediately mail same to the

Very truly yours,

Zoning Commissioner

attention of G. Stephens, Zoning Office, Room 113, County Office Building, 111 W. Chesapeake

OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

887 3353

esapeake Avenue

⁹Pp Mys, Manny, Moe α Jack

ASE NUMBER: CR-91-364

⁹⁹¹⁹ Pulaski Hidhway

Re: Petition for Zoning Reclassification

15th Election District - 6th Councilmanic

Contract Lessee: Pep Boys, Manny, Moe and Jack HEARING: WEDNESAY, OCTOBER 30, 1991 at 10:00 a.m.

Legal Owner(s): The Price Company

fee must be paid before an Order is issued.

Avenue, Towson, Maryland 21204, before the hearing.

Robert Hoffman, Esq.

3F/S Pulaski Highway, approximately 660' SW of c/l Mohrs Lane

111 W Allegheny Avenue Philadelphia, Pennsylvania 19132

APIN: JOE CIRELLI

Dear Petitioner(s):

" Mb 2(20)

Zoning Plans Advisory Committee

Enclosures

cc: The Price Company Mr. Joe Cirelli

Petition for Zoning Reclassification

CASE NUMBER: CR-91-364 SE/S Pulaski Highway, approximately 660° SW of c/l Mohrs Lane

3919 Pulaski Highway 15th Election District - 6th Councilmanic

Legal Owner(s): The Price Company Contract Lessee: Pep Boys, Manny, Moe and Jack

PROPERTY DESCRIPTION

Beginning for the same at a point on the southeastern side of Pulaski Highway - U. S. Route 40, 150 foot Right-of-Way, said point being designated 1, having Baltimore County Metropolitan District coordinates values of North 22090.35 and East 47335.11 and being at the westernmost corner of that parcel of land shown on a Plat entitled "PRICE CLUB PLAZA, Northeast Baltimore" dated July 20, 19901 recorded among the Plat Records of Baltimore County, Maryland in Plat Book S.M. 62 folio 129, said point of beginning being measures South 37 dgrees 24 minutes 23 seconds East 1219.73 feet from the centerline intersection of said Pulaski Highway and Mohrs Lane, 60.00 foot wide shown on Said Plat, running thence leaving said point of beginning, binding on the southeastern side of said Pulaski Highway and the outline of said Plat,

NOTICE OF HEARING

Council, October 13, 1988, running thence binding on said zoning line, 2) South 69 degrees 01 minutes 38 seconds East 239.38 feet to intersect the zoning line between the

1) North 40 degrees 55 minutes 54 seconds East 558.22 feet to intersect the zoning lien between the ML-CS 1 and BR-CS-1 sones shown on the 1988 Comprehensive Zoning Map, adopted by the County

ML-CS-1 and ML-IM zones shown on said Map, running thence binding on said last mentioned zoning

3) South 40 degrees 55 minutes 54 seconds West 564.75 feet to intersect said Plat outline, running thence binding on said plat outline

4) North 67 degrees 32 minutes 37 seconds West 237.23 feet to the point of beginning.

Containing 2.900 acres of land more or less.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

887-3353

Your petition has been received and accepted for filing this 25th day of February, 1991.

Zoning Plans Advisory Committee

Petitioner: The Price Company Petitioner's Attorney: John B. Howard

WILLIAM T. HACKETT, CHAIRMAN COUNTY BOARD OF APPEALS

Beginning for the same at a point on the southwestern outline of that parcel of land shown on a Plat

entitled "PRICE CLUB PLAZA, Northeast Baltimore" dated July 20, 1990, recorded among the Plat Records of

Baltimore County, Maryland in Plat Book S.M. 62 folio 129, said point of beginning being measured South

67 degrees 32 minutes 37 seconds East 237.23 feet from the point designated 1, having Baltimore County

said Plat, said point of beginning also being measured South 26 degrees 12 minutes 57 seconds West 1180.99 feet from the centerline intersection of Pulaski Highway - U.S. Route 40, 150 foot Right-of-Way and Mohrs Lane, 60.00 foot wide shown on said Plat, running thence leaving said point of beginning,

Metropolitan District corrdinate values of North 22090.35 and East 47335.11 at the westernmost corner of

binding on the zoning line between the ML-CS-1 and ML- IM zones shown on the 1988 Comprehensive Zoning

1) North 40 degrees 55 minutes 54 seconds East 434.76 feet, running thence leaving said zoning line

RECLASSIFICATION: Petition to reclassify Area 1 from M.L.-CS.-1 to B.R.-C.S.-1 and Area 2 from M.L.-I.M.

WEDNESDAY, OCTOBER 30, 1991 at 10:00 .m.

County Office Building, Room 301

111 W. Chesepeake Avenue

Towson, Maryland 21204

2) South 22 degrees 27 minutes 23 seonds West 412.36 feet to intersect said Plat outline, running

3) North 67 degrees 32 minutes 37 seconds West 137.77 feet to the point of beginning.

Map, adopted by County Council, October 13, 1988

thence binding on said plat outline,

Containing 0.652 acres of land more or less.

to B.R.-I.M.

LOCATION:

O. James Lighthizer Secretary Hal Kassoff Administrator

April 16, 1991

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204 Att: James Dyer

RE: Baltimore County Zoning reclassification Cycle V The Price Company Case #CR-91-364 Hearing Date 10/30/91 S/S Pulaski Highway US 40 660' west of Mohr's Lane

Item #6

Dear Mr. Haines:

We have reviewed the submittal for the Price Company property (Pep Boys) and find the plan acceptable with all highway improvements having been made.

If you have any questions, please contact Larry Brocato (333-1350).

John Contestabile, Chief Engineering Access Permits

LB/es

G.W. Stephens, Jr. and Associates Inc. Mr. J. Ogle

My telephone number is 333-1350

Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 17, 1991

The Developers Engineering Division has reviewed

For Items 1, 2 and 4, County Review Group Meeting

For Items 3 and 6, revised County Review Group Meetings

Server U. Kermody

Dennis A. Kennedy P.E., Acting Chief,

Developers Engineering Division

Zoning Advisory Committee Meeting

April 1991 - October 1991

for Zoning Reclassification Cycle V

the subject zoning items and we have no comments for

FROM: Dennis A. Kennedy, P.E.

Items 5 and 7.

will be required.

will be required

BUREAU OF TRAFFIC ENCINEERING PUPARTMENT OF PUBLIC WORKS EALT MORE COUNTY, MARYLAND

1991 June 19, 1991

Mr. J. Robert Haines Moning Commissioner

FROM: Rahoe J. Famili SUBJECT: Zoning Reclassification Cycle V

TTEM NUMBER: 6

The existing M.L.-C.S. 1 and M.L.-L.M. Bening for this life can be expected to generate approximately 190 vehicle trips per day, and the proposed B.R.-C.S.-1 and B.R.-I.M. zoning can be expected to generate approximately 1,780 vehicle trips per day. However, the proposed use shown on the documented site plan can be expected to generate approximately 1,670 vehicle trips per day.

Traffic Engineer 11

RJF/lvd

Baltimore County, Maryland

PEOPLE'S COUNSEL ROOM 304, COUNTY OFFICE BUILDING 111 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 887-#54-2188

PHYLLIS COLE FRIEDMAN

People's Counsel

PETER MAX ZIMMERMAN Deputy People's Counsel

September 10, 1991

The Honorable William T. Hackett, Chairman Baltimore County Board of Appeals Room 315, County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

RE: The Price Company, Petitioner Zoning Case No. CR-91-364 (Item 6, Cycle V, 1991)

Dear Chairman Hackett:

During the current cycles, this office is no longer entering its appearance in reclassifications based upon documented site plans, where both the Planning Board and Planning Staff recommend approval; and where no neighbors or community group have advised this office of any opposition.

The above reclassification meets these criteria and therefore no one from this office will attend the hearing. We respectfully call the Board's attention to the conditions requested by the Planning Staff in their approval recommendation, which is attached. We would also like to remind the Board that even when a documented site plan is submitted in accordance with Section 2-58.1(m), the Board must make a finding in accordance with Section 2-58.1(1) (1) that there has been a change or error; (2) that the reclassification is warranted based on the enumerated factors and (3) in the case of land within the Chesapeake Bay Critical Area, it meets the appropriate standards. A copy of Section 2-58.1(j), Baltimore County Code, is attached for your convenience.

If you have any questions or desire this office's presence, we will be happy to cooperate.

Phyllin C. Friedman Phyllis Cole Friedman People's Counsel for Baltimore County

Enclosures

cc: John B. Howard, Esquire Robert A. Hoffman, Esquire price Company

No. CR-91-364, Cycle V, Item 6

front yards not less than 25 ft. from the property line of any street (see Section 303.2 for front yard average). Side and rear yard setbacks for buildings are 30 ft., and all parking must maintain a setback of 8 ft. from residential zones. Regul ions pertaining to the C.N.S. district may be found in Section 259.2.B of the Baltimore County Zoning Regulations. Information relative to the CS-1 district can be found under Section 259.2F of the Baltimore County Zoning Regulations.

DOCUMENTED SITE PLAN:

three sides.

The petitioner has submitted a documented site plan and elevation drawings. The site plan shows a 23,500 square foot Pep Boys automotive parts store and service garage. Although only 118 off-street parking spaces are required by the B.C.Z.R. 234 spaces will be provided. A note on the plan indicates that the excess parking on the Pep Boys area may be utilized by lot #2 [of Price Club Plaza] through a reciprocal parking agreement.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

The staff recommends that the Petitioner's request be approved for the following reasons:

- 1. The site is fairly small (3.75 acres) and part of the site (0.27 acre) is presently zoned BR-CS-1.
- 2. The requested zoning is consistent with the zoning of surrounding properties. Business zoning abuts the site on
- 3. The site appears to be underutilized at the present time as a parking lot for the Price Club membership warehouse.
- It appears that the rezoning and development of the site as requested will not have any significant adverse impacts on surrounding properties and the general neighborhood.

Based upon the analysis conducted and the information provided staff recommends the Petitioner's request be "APPROVED" subject to the following conditions:

- A schematic landscape plan, prepared in accordance with the current Landscape Manual adopted by the Baltimore County Council on October 1, 1990 (County Council Resolution Number) 56-90), must be submitted for this plan to be considered for approval through the C.R.G. process.

1. Executive 5.35 (1)

APRIL, 1991 - OCTOBER, 1991 ZONING RECLASSIFICATION CYCLE V

Baltimore County Government Fire Department

APRIL 24, 1991

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

19) Fast Joppa Road Suite 901 Towson, MD 2120+5500

THE PRICE COMPANY RE: Property Owner:

> #9919 PULASKI HIGHWAY Location:

Item No.:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Can Joseph Celly 4 24 4 Approved Carolina Fire Prevention Bureau Special Inspection Division

JK/KEK

Gentlemen:

\$ 258.1 BALTIMORE COUNTY (1)

(e) During each Period I, the day of shall review the petitions transmit again re peals and shall submit to the plantage 1 port thereon contaming at least to

(1) Maps showing properties and a cutions sought theretor, a many of such properties in a grant other indications of the many spect to planning of a page

(2) Recommendations in the i(3) Supporting data by the pertinent data an inc

counts apenda-(4) Recommendate not

during the post Page the local tapped (f) Durangenera Personality

(1) Publish and manufactors the reclassification per injt filting perced except the military of the

date a march to be part Mag Color (2) Calman to the con-400 if shearings in

 Controlated possit; - Contribution, and company Str. Durangene h. Per (1994) lity schedule by hearing ning board during the prorecommended by the planning

The accretament the grad cits entires shed design in ageneral cascalidada, partiof such period, to selve.

Application of page to

ENVIRONMENTAL IMPACT STATEMENT

1. AREA OF SITE FOR PEP BOYS 3.75 AC.±

EX. USE - PARKING LOT

23,500 S.F. THE PROPOSED DEVELOPMENT SHOULD HAVE MINIMAL IMPACT ON THE ENVIRONMENT OR ECOLOGICAL SYSTEM DUE TO ITS PRESENT USE AS A PARKING LOT SUPPORTING A SIMILAR USE. ONSITE HABITATS OF SUCH ANIMALS AS SQUIRRELS AND BIRDS DO NOT EXIST. PLANTING TREES AROUND THE PERIMETER OF THE SITE AND WHERE POSSIBLE WITHIN
THE SITE WOULD PROVIDE HABITATS AND PROVIDE ECOLOGICAL BENEFITS NOT NOW PRESENT.

THIS SITE DOES NOT DRAIN TO ANY RESERVOIR. IT ALSO DOES NOT DRAIN DIRECTLY TO ANY STREAM OR WETLAND BUT RATHER INTO A CLOSED SYSTEM OF DRAINS. A STORM WATER MANAGEMENT FACILITY EXISTS WHICH AIDS IN FILTRATION AND SETTLEMENT OF GENERATED POLLUTANTS. THE INCORPORATION OF BEST MANAGEMENT PRACTICES SUCH AS PLANTING OF VEGETATION AS SOON AS POSSIBLE AFTER FINAL GRADING, CLEANING DIRT AND DEBRIS ACCUMULATING ON PRIVATE ROADS AND PARKING LOTS AS FOLLOWS (MAY THROUGH OCTOBER, CONCURRENT WITH GRASS MOWING; NOVEMBER THROUGH APRIL, MONTHLY), SNOW REMOVAL BY MECHANICAL MEANS EXCEPT IN SEVERE SNOW OR ICE CONDITIONS, WHEN DEICING COMPOUNDS CAN BE USED, APPLICATION OF (FERTILIZERS, HERBICIDES AND PESTICIDES) AS RECOMMENDED BY THE UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION SERVICE AND THE USE OF GRASS LINED SWALES WILL PROVIDE PROTECTION FOR THE RECEIVING WATERS ECOSYSTEM.

NO ADVERSE EFFECTS CAN BE SEEN AS HAVING ANY LONG RANGE SIGNIFICANCE IF THE RECOMMENDATIONS CONTAINED HEREIN ARE FOLLOWED. THE APPLICATION OF THE BEST MANAGEMENT PRACTICES SHOULD BE COST EFFECTIVE IN THAT THEY CAN BE INCURRED DURING NORMAL SITE MAINTENANCE OPERATIONS.

SHORT TERM EFFECTS ARE MORE SIGNIFICANT IN THAT NOISE LEVELS FROM CONSTRUCTION EQUIPMENT SUCH AS BULLDOZERS (76 TO 96 dB @ 50 FEET), TRENCHERS (72 TO 93 dB @ 50 FEET), ETC. ARE USED DURING NORMAL CONSTRUCTION ACTIVITIES. PERMISSIBLE WORKPLACE NOISE EXPOSURES PER OSHA RANGES AT (8 HOUR DURATION @ 90 dB) TO PROGRESSIVELY SHORTER PERIODS SUCH AS (6 HOURS @ 92 dB), (4 HOURS @ 95), (3 HOURS @ 97) AND (2 HOURS @ 100) TO THE IMPACT LEVEL OF 140 dB. TO REDUCE IMPACT, ALL EQUIPMENT SHOULD BE MAINTAINED TO THE MANUFACTURERS SPECIFICATIONS INCLUDING MUFFLERS OR OTHER NOISE REDUCING DEVICES. ALSO SITE GRADING CREATES SEDIMENT FROBLEMS THAT CAN BE REDUCED BY IMPLEMENTING A SEDIMENT CONTROL PLAN WHICH IS REVIEWED AND INSPECTED BY BALTIMORE COUNTY. DUST CAN BE CONTROLLED BY SUCH METHODS AS WETTING AND THE DIVISION OF AIR POLLUTION CONTROL SHOULD BE CONTACTED FOR GUIDANCE.

THUS FOLLOWING THE RECOMMENDATION WITHIN THIS STATEMENT THE ENVIRONMENTAL IMPACT WILL BE NEGLIGIBLE TO IMPROVED.



CR-91-364

VENABLE, BAETJER AND HOWARD ATTORNEYS AT LAW A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

210 ALLEGHENY AVENUE P.O. BOX 5517 TOWSON, MARYLAND 21285 5517

(301) 823 4111 FAX (30)) 821 0147

WRITER'S DIRECT NUMBER IS February 28, 1991

William T. Hackett, Chairman County Board of Appeals of Baltimore County County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

BALTIMORE, MD

WASHINGTON, D. C.

ROCKVILLE, MD

BEL AIR, MD

RICHARD M. VENABLE (1839-1910) EDWIN G. BAETJER (1868-1945) CHARLES MCH. HOWARD (1870-1942)

RE: Petition for Zoning Reclassification, Property located Southeast of the Intersection of Pulaski Highway and Mohrs Lane The Price Company, Legal Owner
Pep Boys, Manny, Moe and Jack, Petitioner
and Contract Lessee

Dear Chairman Hackett:

This firm represents The Price Company, legal owner, and Pep Boys, Manny, Moe and Jack, Petitioner, in this request to rezone property located at 9919 Pulaski request to rezone property located at 9919 Pulaski request south of Mohrs Lane in Baltimore County, Highway just south of Mohrs Lane in Baltimore County, Maryland. The subject property, a total of 3.75 acres, Maryland. The subject property, a total of 3.75 acres, is currently zoned approximately 2.83 acres of ML-CS-1 adjacent to Pulaski Highway, approximately .65 acres of adjacent to Pulaski Highway, approximately .27 acres of BR-CS-ML-IM to the rear, and approximately .27 acres of BR-CS-ML-IM to the north. Petitioner respectfully submits that the 1 to the north. Petitioner respectfully submits that the ML classifications are in error and that the property should be rezoned to BR-CS-1 and BR-IM. should be rezoned to BR-CS-1 and BR-IM.

A review of the 200' and 1,000' scale comprehensive zoning maps indicate that the property is surrounded by property which is zoned BR-IM and/or BR-CS-1. For example, the contiguous properties to the north and west are zoned BR-CS-1, as is the property to the south; properties which are zoned commercial to a greater depth

than is being requested for the subject parcel. Thus, it is readily apparent that this island of industrially zoned property is in error and should more appropriately be zoned BR.

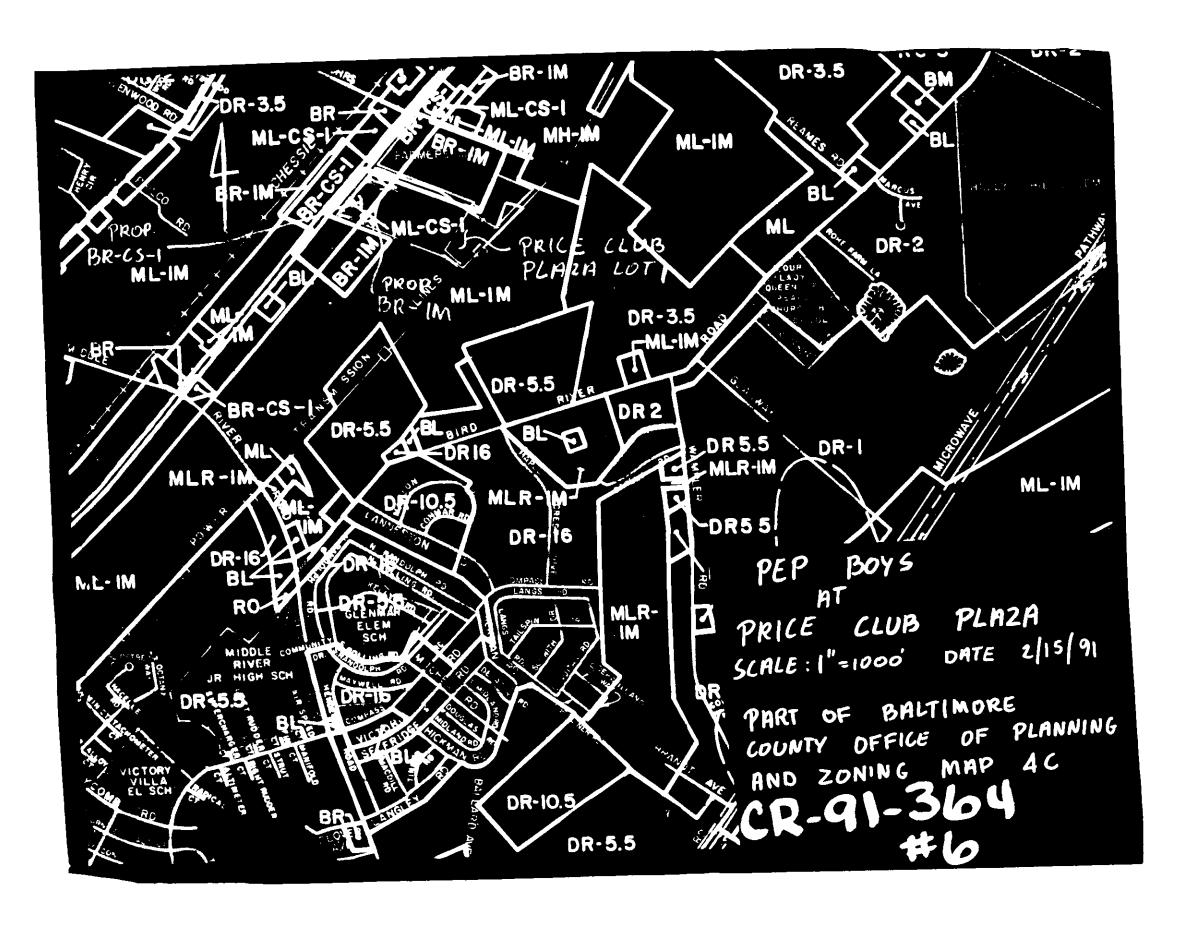
The Petitioner in this case has filed a documented site plan showing the proposed use to be a Pep Boys store for the retail sale of automotive parts and a service garage. Adjacent uses include a restaurant, a recreational vehicle sales company, and the emerging uses that include the Home Depot (retail), The Sports Authority (retail) and an additional restaurant. Clearly, the Pep Boys would be entirely consistent with the surrounding uses, where an industrial use would be a mistake in this commercial corridor.

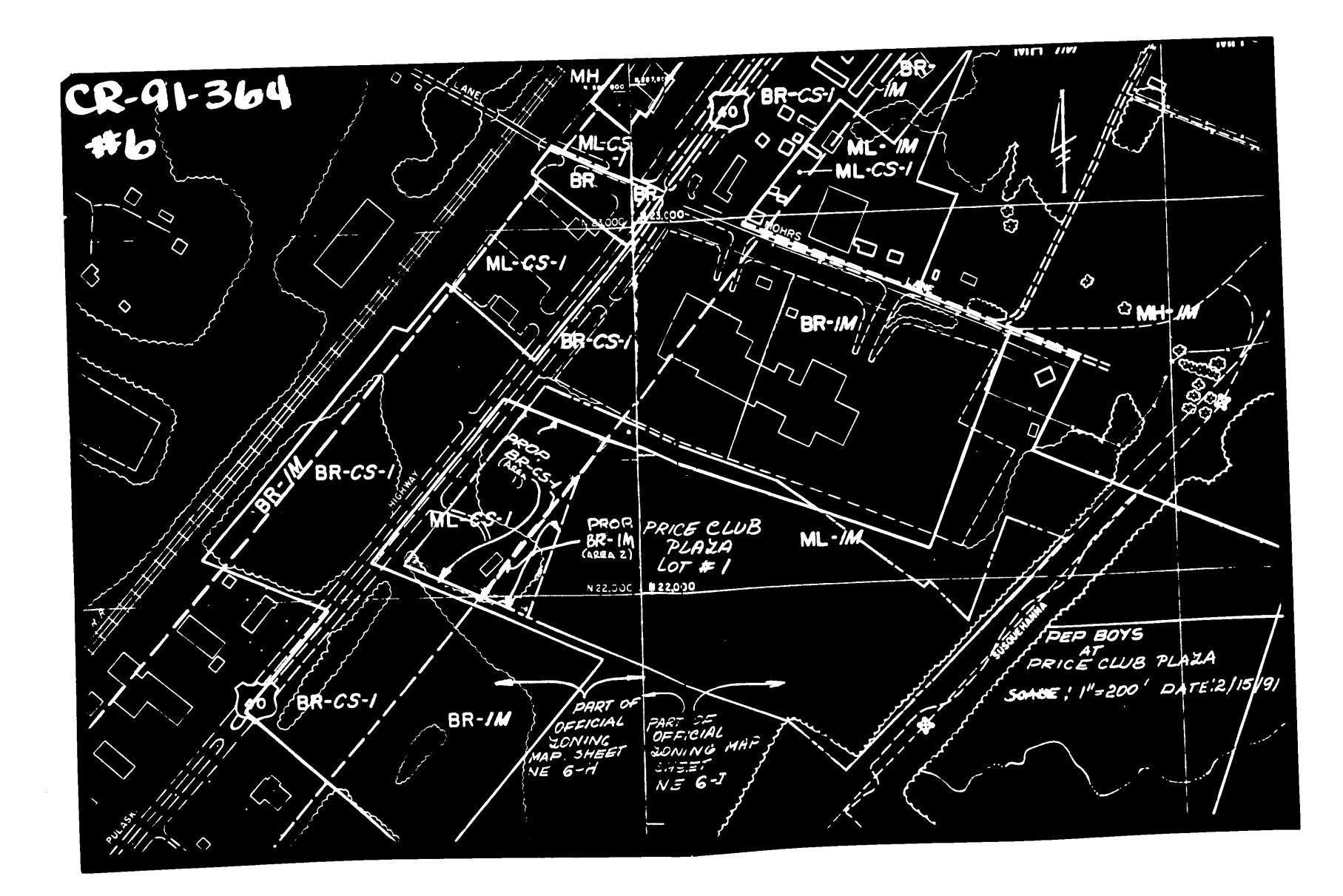
Therefore, for the reasons stated above and for such other reasons as may be presented at the public hearing before the Board of Appeals, Petitioner respectfully requests that the Board grant this Petition for Zoning Realization from ML-CS-1 and ML-IM to PR-CS-1 and Reclassification from ML-CS-1 and ML-IM to BR-CS-1 and BR-IM.

Yours truly,

RAH/cac

It should also be noted that the small strip of the property to the south that is zoned ML-IM and lies between the subject property and the BR-CS-1 zoned property appears to be a technical mapping error in that the property line and commercial zoning line should coincide should coincide.





BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: June 19, 1991

TO: Mr. J. Robert Haines Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Zoning Reclassification Cycle V

The Price Company Case No. CR-91-364, Cycle V, Item 6

for the following reasons:

to the following conditions:

DOCUMENTED SITE PLAN:

front yards not less than 25 ft. from the property line of any street (see Section 303.2 for front yard average). Side and rear yard setbacks for buildings are 30 ft., and all parking must maintain a setback of 8 ft. from residential zones.

Regulations pertaining to the C.N.S. district may be found in

Regulations pertaining to the C.N.S. district may be found in Section 259.2.B of the Baltimore County Zoning Regulations. Information relative to the CS-1 district can be found under Section 259.2F of the Baltimore County Zoning Regulations.

The petitioner has submitted a documented site plan and elevation drawings. The site plan shows a 23,500 square foot Pep Boys automotive parts store and service garage. Although only 118 off-street parking spaces are required by the B.C.Z.R., only 1234 spaces will be provided. A note on the plan indicates that the excess parking on the Pep Boys area may be utilized by lot the excess parking on the Pep Boys area may be utilized by lot #2 [of Price Club Plaza] through a reciprocal parking agreement.

The staff recommends that the Petitioner's request be approved

1. The site is fairly small (3.75 acres) and part of the site

The requested zoning is consistent with the zoning of surrounding properties. Business zoning abuts the site on

3. The site appears to be underutilized at the present time as a parking lot for the Price Club membership warehouse.

4. It appears that the rezoning and development of the site as requested will not have any significant adverse impacts on surrounding properties and the general neighborhood.

Based upon the analysis conducted and the information provided, staff recommends the Petitioner's request be "APPROVED" subject

- A schematic landscape plan, prepared in accordance with the current Landscape Manual adopted by the Baltimore County Council on October 1, 1990 (County Council Resolution Number 56-90), must be submitted for this plan to be considered for approval through the C.R.G. process.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

(0.27 acre) is presently zoned BR-CS-1.

ITEM NUMBER: 6

The existing M.L.-C.S.-1 and M.L.-I.M. zoning for this site can be expected to generate approximately 190 vehicle trips per day, and the proposed B.R.-C.S.-1 and B.R.-I.M. zoning can be expected to generate approximately 1,780 vehicle trips per day. However, the proposed use shown on the documented site plan can be expected to generate approximately 1,670 vehicle trips per day.

Traffic Engineer II

RJF/lvd



Hal Kassoff

April 16, 1991

Item #6

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204 Att: James Dyer

RE: Baltimore County Zoning reclassification Cycle V The Price Company Case #CR-91-364 Hearing Date 10/30/91 S/S Pulaski Highway US 40 660' west of Mohr's Lane

Dear Mr. Haines:

We have reviewed the submittal for the Price Company property (Pep Boys) and find the plan acceptable with all highway improvements having been made.

If you have any questions, please contact Larry Brocato (333-1350).

Engineering Access Permits

My telephone number is 333-1350

LB/es

cc: G.W. Stephens, Jr. and Associates Inc. Mr. J. Ogle

Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

Case No. CR-91-364, Cycle V, Item 6

The Office of Planning and Zoning prefers that landscape plans be prepared independent of the site plan; however, a combined site plan/schematic landscape plan is acceptable.

- A landscape plan shall be submitted to the Baltimore County Landscape Planner. The plan should then be forwarded to the Deputy Director of the Office of Planning and Zoning prior to the issuance of any building permits. Subsequent to the approval of the Deputy Director, the petitioner shall provide a copy of the approved landscape plan to the Zoning Office to ensure that it becomes a part of the official file.

CYCZCR91.364/TXTLLF

PETITIONER:

CASE NO. CR-91-364

The Price Company

REQUESTED ACTION:

Reclassification to BR-CS-1 (2.9 acres) and BR-IM (0.65 acre). EXISTING ZONING:

ML-CS-1 (2.83 acres), ML-IM (0.65 acre), and BR-CS-1 (0.27

Southeast side of Pulaski Highway, 725 feet southwest of Mohrs

AREA OF SITE:

LOCATION:

Total site size is 3.75 acres. Total area requested to be rezoned is 3.55 acres.

ZONING OF ADJACENT PROPERTY/USE:

Northeast: BR-CS-1/Retail commercial and restaurant under construction (part of Price Club Plaza)

Southeast: ML-IM/Price Club membership warehouse outlet Southwest: BR-CS-1 and BR-IM/Vacant land

Northwest: BR-CS-1/Largely vacant land (opposite side of

Pulaski Highway)

SITE DESCRIPTION:

The applicant's property fronts on Pulaski Highway. The site is part of lot 1 of the Price Club Plaza development project. The site is level and improved as a parking lot for the Price Club, a membership warehouse outlet.

PROPERTIES IN THE VICINITY:

This site is owned by the Price Company and is bounded on the southeast and northeast by remaining Price Company property. The site is part of the 36.5-acre Price Club Plaza development project. The Price Club, a 105,600 square foot membership warehouse outlet, is located to the southeast on ML-IM zoned

49 Exhibit #6

CYCLE V, ITEM 6

The Price Company
Case No. CR-91-364, Cycle V, Item 6

land. The Price Club property to the northeast of the subject site is zoned BR-CS-1 and BR-IM and has been approved for the development of retail commercial and a restaurant (see amended CRG Plan approved 6/21/90). Adjacent land to the southwest is undeveloped and is zoned BR-CS-1. Adjacent land to the northwest on the opposite side of Pulaski Highway is largely undeveloped and is zoned BR-CS-1.

WATER AND SEWERAGE:

The site is served by public water and sewer, and is designated as W-1, S-1 (existing service area) on the Master Water and

TRAFFIC AND ROADS:

Pulaski Highway is a four-lane, divided, arterial highway. Vehicular access to the site is provided from access drives for the Price Club located at the southwest and northeast ends of the site. The Pulaski Highway accesses are designed as right-turn in and out only. There are no median breaks on Pulaski Highway at this location.

The site is located approximately 725 feet south of the signalized intersection of Pulaski Highway and Mohrs Lane. The site is indirectly accessible from Mohrs Lane via an existing access drive for Price Club Plaza.

ZONING HISTORY:

The BR-CS-1 zoning on the northern, 0.27-acre portion of the site was granted in 1988 (see CZM Item 6-133). The remainder of the site has been zoned ML-CS-1 and ML-IM since prior to 1976.

MASTER PLAN/COMMUNITY PLANS:

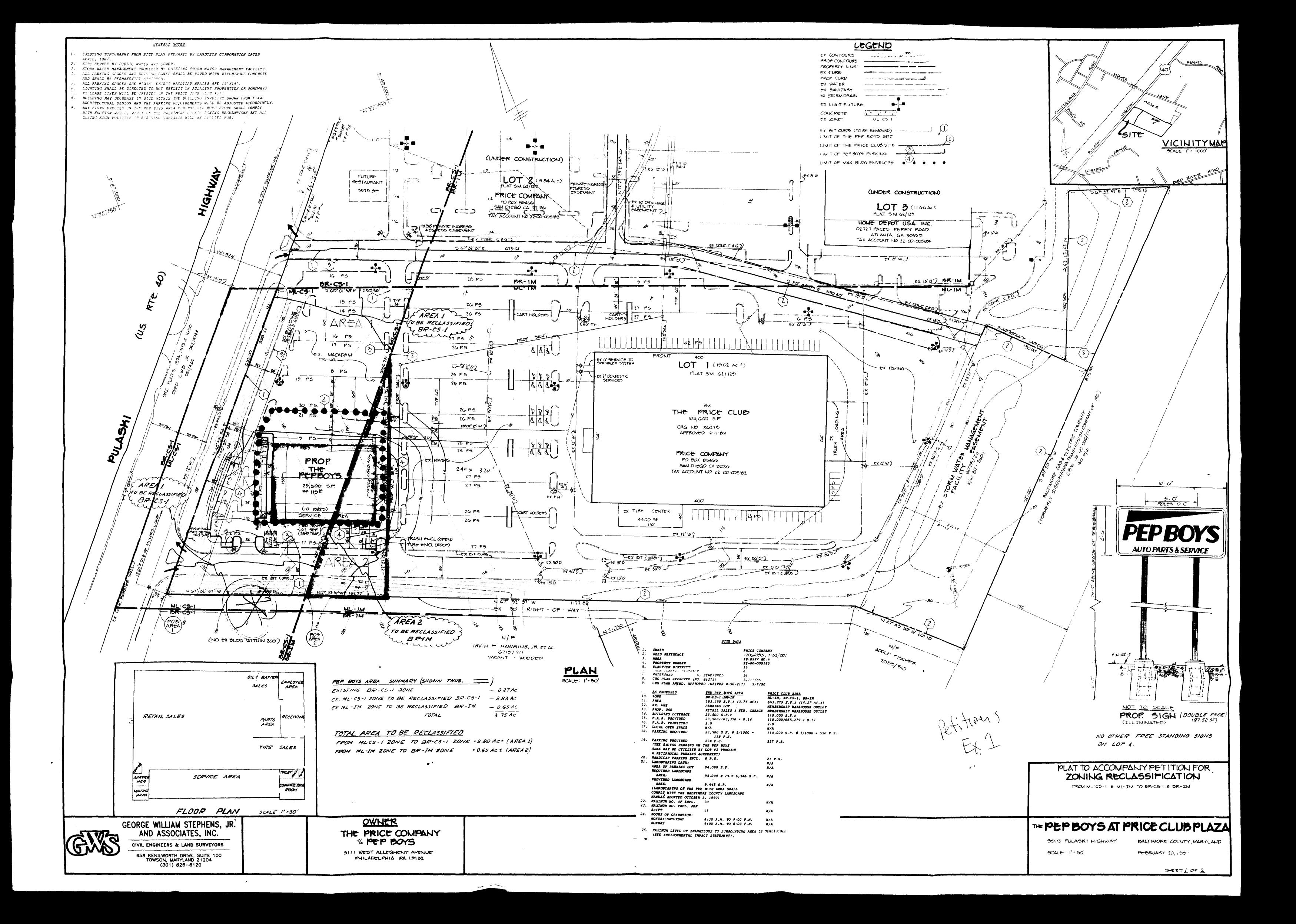
The site is designated "Industrial" on the Eastern Sector Land Use Plan map adopted February 5, 1990.

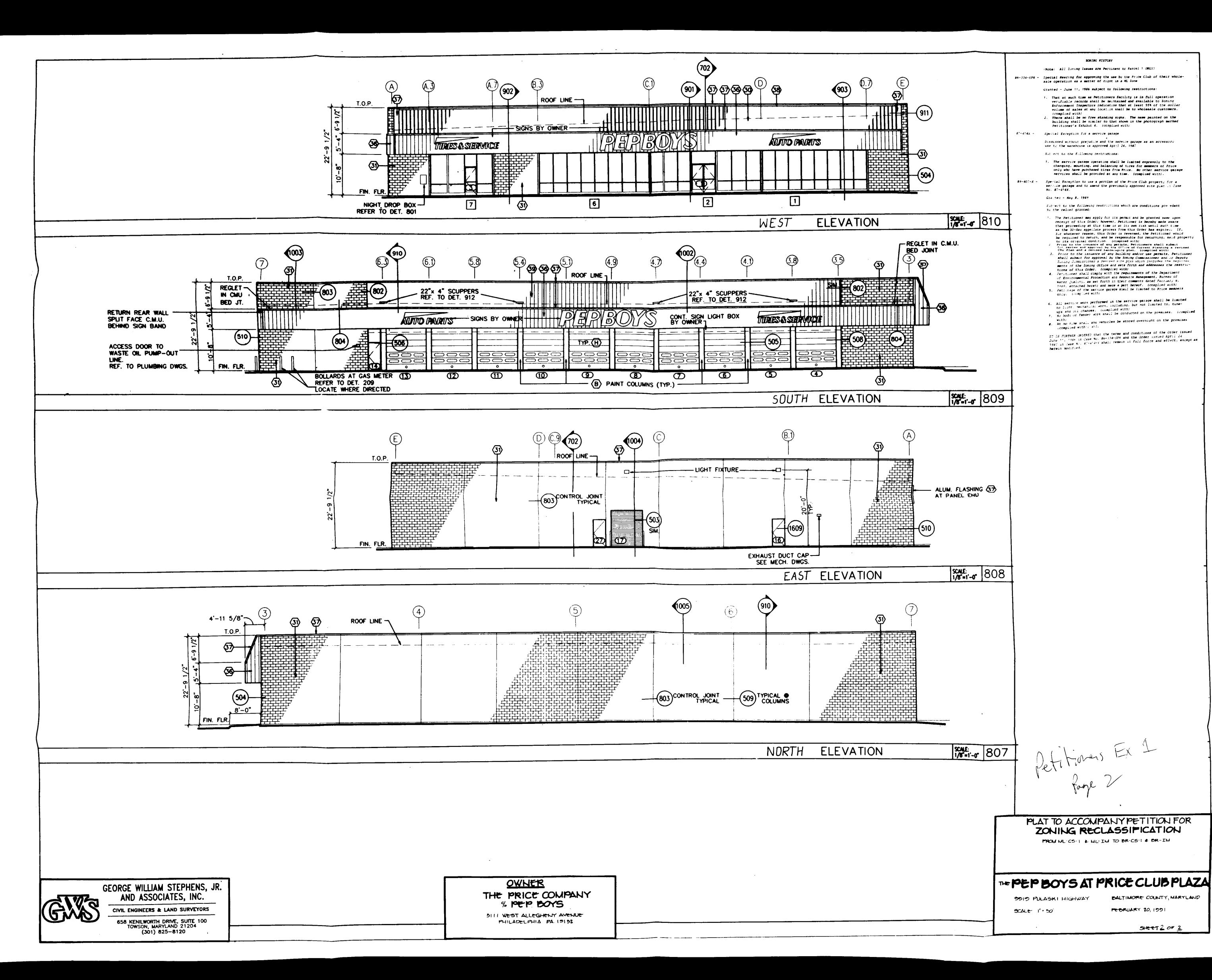
PROPOSED VS. EXISTING ZONING:

Regulations governing the B.R. zone may be found in Section 236 of the Baltimore County Zoning Regulations. Regulations governing the M.L. zones can be found in Section 253.1 of the Baltimore County Zoning Regulations.

The B.R. zone allows a wide range of uses. Density is regulated by a floor area ratio of 2.0. Density is realistically limited by parking requirements and economic constraints. Building height is limited by height tent regulations. Setbacks include

50





DRAWN CHECKED

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EDWARD M. KOLBE, JR., MA
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responds encuryment from the construction of the present for the property of the present of the

CONTROL NO. EXTERIOR ELEVATIONS AND DETAILS

A-8

